

CONOVER

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June 16, 2011

Via ECF and First Class Mail

Hon. Sandra J. Feuerstein
U.S. District Court, Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Michelange Sainnoval v. CFM Advisors et al*, Case No. 08 CV 4615

Dear Judge Feuerstein:

As counsel for plaintiff, Michelange Sainnoval, we write in response to Your Honor's Order requesting a status report. We were on trial on another matter in May 2011 and inadvertently missed the ECF notice directing the filing of a status report.

This action was stayed pursuant to Stipulation and Order, dated December 3, 2009, consenting to arbitration of the action. The parties commenced arbitration before Arbitrator, Susan MacKensie, at the American Arbitration Association. The defendants did not complete document production until August 2010. Defendants' counsel then advised that, because of scheduling conflicts and change in attorney at defendants' counsel's firm, defendants were not available for depositions. Defendants did not agree to proceed with depositions until April 2011, at which time plaintiff was unavailable because of the undersigned's trial schedule in another matter.

A conference was held with the arbitrator on June 6, 2011. At the conference the arbitrator directed that all discovery be completed by August 31, 2011, and that the final arbitration hearing take place on October 4, 5 and 11th. The arbitrator also directed that by June 17th the defendants must provide deposition dates for all parties. Today, defendants counsel, Tom Mealiffe, Esq. advised that defendants were prepared to proceed with plaintiff's deposition on June 28th, and that July dates for the defendants' depositions would be provided shortly. Thank you for your consideration.

Respectfully submitted,

Bradford D. Conover

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cc: Thomas Mealiffe, Esq. (via ECF and email)